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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,659	01/18/2002	Carl Dvorak	310265.90236	5550
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Nicholas J. Seay Quarles & Brady LLP 1 South Pinckney Street P.O. Box 2113 Madison, WI 53701-2113			EXAMINER GLASS, RUSSELL S	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/052,659

Applicant(s)

DVORAK ET AL.

Examiner

Russell S. Glass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. The rejections of Claims 1-8 under 35 U.S.C. 112, second paragraph, as being indefinite are withdrawn based on applicant's amendments dated

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-8, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over De La Heurga, (U.S. 7,013,298) in view of Felsher, (U.S. Pub. 2002/0010679).**
3. As per claim 1, De La Heurga discloses a system for distributed computing in which multiple different applications are in use connected on a common computer network, (De La Heurga, col. 12, line 35-col. 15, line 42) (disclosing retrieving, modifying and storing patient medical records via a plurality of databases, in a plurality of formats, over a computer network).

Felsher fails to explicitly disclose such a platform, however, it is likely that such a distributed computing platform is inherent in the system disclosed by Felsher due to the disclosure of multiple different applications within the system, (Felsher, ¶ 10, 91, 94, 120-188, 249). Felsher further discloses comprising a clinical exchange server on the network, the clinical exchange server including memory, (Felsher, Fig. 1, and 2), the clinical exchange server programmed:

- (i) to maintain a patient identification cross reference table, the patient identification cross reference table including a list of applications on the network and the patient identification number used by each application, wherein the patient identification numbers used by the applications are application distinct numbers for the patient, (De La Heurga, Fig. 4b; col. 12, line 35-col. 15, line 42)(the Workstation File Format Instruction Table performs essentially the same functions as the claimed patient identification cross reference table, i.e. taking patient identification information, matching that identification information with a known data file in a specific proprietary format for a specific patient, and retrieving, displaying, modifying and storing the file).
- (ii) to maintain a list of events reported to it by other applications on the network, (Felsher, ¶ 266-268, 279) and
- (iii) to respond to inquiries from a first application about an event recorded by a second application by transmitting a query to the second application based on the information in the reference table and the list of reported events, (Felsher ¶ 264).

It would be obvious to one of ordinary skill in the art at the time of the invention to combine De La Heurga and Felsher. The motivation would have been to provide an

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infrastructure for efficient transmission, use and security protection of electronic medical records, (Felsher, Abstract, ¶ 14).

4. As per claim 2, Felsher discloses a system wherein the clinical exchange server also maintains an abstract about the events sent to it to facilitate exchange of information between the applications, (Felsher, ¶ 266-268, 279) (transactions are events, and an index of transaction records is considered to be an abstract of such events).

5. As per claim 3, Felsher discloses a system wherein the reference table includes a master patient index identification code assigned to the patient as well as an application specific identification number assigned to the patient by each application, (Felsher, ¶ 255, 274, 279) (disclosing both indexed codes and an application-specific rolling code changed after each access, said rolling code being generated by a number generator and considered to be an identification number).

6. As per claim 4, Felsher discloses a system wherein the clinical exchange server also stores health insurance information about each patient so that such health insurance information can easily be accessed by any of the applications, (Felsher, ¶ 318) (the system is HIPAA compatible, thus it is obvious that the system handles health insurance information, such as claim information).

7. As per claims 5-8, 14-18, these claims contains the same or substantially similar limitations as claims 1- 4 and therefore the reasons for the rejection of claims 1-4 are incorporated herein by reference.

Response to Arguments

Applicant's arguments with respect to claims 1-8, 14-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows: Iliff, (U.S. 5,594,638).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell S. Glass whose telephone number is 571-272-3132. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RSG
11/15/2007



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PRIMARY EXAMINER
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